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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,462	11/19/2003	Kang Soo Seo	46500-000581/US	3758

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2484

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10/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,462	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 15-17, 19-22, 27, 28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 15-17, 19-22, 27, 28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/12/2010,06/09/2010,04/07/2010.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/03/2010 has been entered.

### ***Response to Amendment***

2. The amendments, filed 05/03/2010, have been entered and made of record. Claims 1, 15-17, 19-22, 27-28, and 30-37 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed 05/03/2010 have been fully considered but they are not persuasive. See the reasons sets forth below.

Applicant states, "De Haan do not suggest "the path item including a first navigation command for launching a single playlist file to reproduce," as recited in claim 1.

In response the Examiner respectfully disagrees. De Haan teaches, in addition to disclosing the dummy program chain with pre-command calling the Title menu, a program chain containing three commands, one pre-command and two post-commands as shown in paragraphs 0103-0104 and table 2. Table 2 shows commands in program chain information and program chain associated with 1) free space title contains LINKPGCN to PGC of next Real Title as a pre-command, 2) PGC associated with real title which is not the last PLAY List or not he last Full Title in TT\_SRPT contains Link PGCN to PGC of next Real Title as a post command (referring

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to Appellant's second navigation command for proceeding to a next path item (to PGC of next Real Title), and 3) the last command in PGCI is PGC associated with real title which is the last PLAY List or the last Full Title in TT\_SRPT contains CallSS to Title Menu as a post command (referring to Appellant's first navigation command for launching playlist file). Playlists are accessible via the Title Menu (see De Haan paragraph 0045). See also paragraphs 0064, 0079-0080.

Applicant states, "the technical meaning of Playlist Title of De Haan is completely different from that of the playlist file of claim 1."

In response the Examiner respectfully disagrees. The present application just further defines the term playlist, however the technical definition or meaning of the term is the same. One skill in the art would know the playlist as discussed in the present Application and the applied prior art of De Haan are referring to the same playlist.

Applicant states, "the pre-command of De Haan does not launch the Playlist title, but only a title menu."

In response the Examiner respectfully disagrees. De Haan clearly teaches playlists are accessible via Title Menu, and the title Menu launched in the said second navigation command as stated on the above response.

No where in the present application specification to be found that the Pre-Command launches the single playlist file directly; it is the playlist file name that launches as clearly shown in figure 13 of the present Application. The first path item includes pre-command and playlist file name. The playlist file name indicates the file name of a playlist for possible playback.

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Launching the playlist performed using playlist file name after the pre-command function is performed. Therefore the prior art of De Haan teaches accessing a playlist using the play list title.

The prior art of Kato2 is brought to the rejection because the prior art of Kato2 teaches one playlist file name corresponds to one playlist, although De Haan teaches play lists, it is possible that menu includes only one or single playlist, and that single playlist will be accessible via the title.

No where in the specification to be found that the Pre-Command launches the single playlist file directly; it is the playlist file name that launches as clearly shown in figure 13 of the present Application. The first path item includes pre-command and playlist file name. The playlist file name indicates the file name of a playlist for possible playback. Launching the playlist performed using playlist file name after the pre-command function is performed. Further, the prior art of De Haan teaches accessing a playlist using the play list title.

De Haan teaches play lists, it is possible that menu includes only one or single playlist, and that single playlist will be accessible via the title. But nonetheless the Examiner provided additional reference to show that one playlist file name corresponds to one playlist.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the pre-command of D e Haan does not directly launch one of the Play List Titles) are not recited in the rejected claim(s), not found in the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant states, “De Haan uses a Video manager (VMG) stored in a video Manager area of the recording disc for controlling reproduction of a DVD disc. In contrast, Kato1 uses a playlist file and clip information file for controlling reproduction of a high density recording disc.” Therefore Appellant concluded that the two applied prior art cannot be combined.

In response the Examiner respectfully disagrees. De Haan also teaches high density recording disc, DVD-VR, DVD\_Video, see paragraphs 0026, 0036, 0068, and 0080. DVD is a high density disc. The examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In response to Applicant's argument about the prior art Hamada, the Examiner respectfully disagrees. Hamada teaches the file info.dvr disposed only one under the directory/DVR and has blocks formed individually for different classified kinds of information classified for individual functions. See paragraphs 0074 and figure 6, at least. The Examiner could not locate where Applicant found the statement that the prior art of Hamada merely contains ‘general infoamtion about recording disc.’

In addition, the Examiner would like to further point out that Hamada clearly teaches creating different extension for separate files, and it is obvious that one skill in the art generates a different/separate extension for files recorded on DVD as taught in Hamada.

Further In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In regard to Applicants argument over the applied prior art of Nakatani, the Examiner respectfully disagrees. Nakatani teaches original program chain information table that defines details of the original program chain. The ORG\_PGCIT is composed of an effective address indicating the effective length of the ORG\_PGCI table, see also figure 7.

Therefore the claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 19-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US PG PUB 2002/0145702 A1) in view of De Haan (US PG PUB 20090180757) and further in view of deCarmo (US Pat. No. 6, 643, 450), Hamada (US PG PUB 2008/0253742) and Kato (US PG PUB 20030086568).

Regarding claim 1, Kato discloses an optical disk storing a data structure for managing reproduction of at least video and audio data performed by a reproduction device, the optical disk comprising:



a stream file including at least one of video and audio data (see figure 14 M2TS);

a clip information file (see figure 14 CLIPINF), including timing information of the at least one of video and audio data (see paragraphs 0167, 0199 and 0267); the timing information including an entry point map mapping presentation time stamps to source packet addresses of the at least one of video and audio data (data address being paired to the PTS see paragraphs 0195 and 0345, see also paragraph 0167 and figures 33-34) ;

a playlist file including at least one playitem (see figure 14, PLAYLIST), identifying a pair of in-point and out-point pointing to the presentation time stamps (see figures 3, 6A-6B, and figure 7) in a clip of the at least one of video data and audio data (see paragraphs 0168, and 0268-0274); and

at least one navigation file (see fig. 28 and paragraphs 0226, 0234, and figures 6, 9, and 14); and the stream file, the clip information file, and the playlist file, are separate from each other (see figure 14 where it shows the PLAYLIST, the CLIPINF, and M2TS are recorded separately).

Claim 1 differs from Kato in that the claim further requires the navigation file including a path item, the path item including a first navigation command for launching the playlist file and a second navigation command for proceeding to a next path item.

In the same field of endeavor De Haan teaches a navigation area storing at least one navigation file including a path item, the path item including a first navigation command for launching the playlist file (see paragraphs 0045, 0064 and 0083, 0103-0104, pre-command calling title menu, and playlists are accessible via the title menu), and a second navigation command (post command) for proceeding to a next path item (see table 2 and paragraph 0079).

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Therefore in light of the teaching in De Haan it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by providing a PGC with pre and post command in order to arrange video object on a disc.

Claim 1 further differs from the above combination in that the claim further requires the path item providing parental control information for the at least one of video and audio data.

In the same field of endeavor deCarmo teaches PGC (path item) providing parental control information (see figure 5 unit 514, for example and col. 2 lines 24-38 and col. 7 line 51-col. 8 line 10). Therefore in light of the teaching in deCarmo it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combinations by including a path item that provide parental control information in order to allow user interactivity via an on-screen display tool.

Claim 1 further differs from Kato and Hamasaka in that the claim further requires the stream files, the clip information file, the playlist file and the navigation file are separate and have different extensions from each other.

In the same field of endeavor Hamada teaches the stream files (AV stream with extension mpg), the clip information file CLIPINF with extension clpi), the playlist file (PLAYLIST with extension plst) and the navigation file (info with extension dvr) are separate and have different extensions from each other (see figure 5). Therefore in light of the teaching in Hamada it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by separating the files in order to control or have access to each file individually.

Claim 1 further differs from the above combination in that the claim further requires launching a single playlist file.

In the same field of endeavor Kato teaches creating playlist file name for a single playlist (see paragraphs 0121-0122). Therefore in light of the teaching in Kato it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combinations by providing a single file name for a single play list in order to add specific flag on each playlist.

Claim 19 is rejected for the same reason as discussed in claim 1 above.

Claim 20 is rejected for the same reason as discussed in claim 1 above. See also claims 10 and 12 of Kato.

Regarding claim 21, the limitation of claim 21 can be found in claim 1 above. Therefore claim 21 is analyzed and rejected for the same reasons as discussed in claim 1 above. See also claim 6 of Hamada and paragraphs 0305 and 0493 of Kato.

Regarding claim 22, the limitation of claim 22 can be found in claims 1, 20 and 21 above. Therefore claim 22 is analyzed and rejected for the same reasons as discussed in claims 1, 20 and 21.

Regarding claim 27, deCarmo discloses an interface unit configures to communicate with the controller to select one of the different parental control reproduction paths (see col. 7 line 48-col. 8 line 10).

Regarding claim 28, deCarmo discloses wherein the interface unit receives user input on the different parental control reproduction paths, and the controller controls the reproduction of the at least on of video and audio data based on the user input (see col. 8 lines 15-40).

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6. Claims 15-17 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US PG PUB 2002/0145702 A1) in view of De Haan (US PG PUB 20090180757) and further in view of deCarmo (US Pat. No. 6, 643, 450), Hamada (US PG PUB 2008/0253742), Kato (US PG PUB 20030086568), and Nakatani et al. (US PG PUB 2002/0114614).

Regarding claim 15, although the combinations of Kato, De Haan, deCarmo, Kato, and Hamada teaches the claim limitation of claim 1, the applied prior arts fail to teach the path item includes a length field indicating a length of the path item.

However, in the same filed of endeavor Nakatani teaches the path item includes a length field indicating a length of the path item (see paragraphs 0069 and 0075 where the prior art teaches the ORG\_PGCIT is composed of an effective address indicating the effective length of the ORG\_PGCI table). Therefore in light of the teaching in Nakatani it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the above proposed combinations by including an indicator in order to identify the path item effectively.

Regarding claim 16, Nakatani teaches the path item further includes an attribute field indicating at least one attribute of the path item (see paragraphs 0069 and 0075, see also figure 7 where the prior art shows attributes).

Regarding claim 17, Nakatani teaches the navigation file further includes a field indicating a number of the path items in the navigation file (see paragraphs 0069 and 0075).

Claim 30 is rejected for the same reason as discussed in claim 16 above.

Claims 31, 33, 35, and 37 are rejected for the same reason as discussed in claim 17 above.

Claims 32, 34, and 36 are rejected for the same reason as discussed in claim 16 above.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
September 30, 2010

1.